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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 UNITED STATES OF AMERICA, ) No.: CR 07 0100 MHP  
12 Plaintiff, )  
13 v. ) STIPULATION AND ORDER (Proposed)  
14 KENT H. ROBERTS, )  
15 Defendant. )  
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17 With the agreement of the parties in open court on March 5, 2007, the Court set the case for  
18 further status on May 21, 2007, at 10 a.m., and excluded time under the Speedy Trial Act from  
19 March 5, 2007, to May 21, 2007. Specifically, the Court found and held as follows:

20 1. Roberts has been charged in the seven-count indictment with mail and wire fraud in  
21 violation of 18 U.S.C. §§ 1341, 1343 and 1346, false SEC filings in violation of 15 U.S.C. §§  
22 78j(b) and 78ff and 17 C.F.R. § 240.10b-5, and falsifying books, records and accounts in  
23 violation of 15 U.S.C. §§ 78m((b)(2)(A), 78m(b)(5) and 78ff and 17 C.F.R. § 240.13b2-1. He is  
24 free on a secured bond.

25 2. The parties agreed, and the Court found and held, that failing to grant a continuance until  
26 May 21, 2007, would unreasonably deny counsel for the defense the reasonable time necessary  
27 for effective preparation, taking into account the exercise of due diligence, particularly given the  
28 defense's need to obtain and review discovery in the case. See 18 U.S.C. § 3161(h)(8)(B)(iv).

1 The parties agreed, and the Court found and held, that the case is a complicated fraud scheme  
 2 with substantial evidence, both paper and electronic, and that thus “the case is so unusual or so  
 3 complex, due to . . . the nature of the prosecution, or the existence of novel questions of fact or  
 4 law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial  
 5 itself within the time limits established” by the Speedy Trial Act. See 18 U.S.C. §  
 6 3161(h)(8)(B)(ii). Finally, the parties agreed, and the Court found and held, that the ends of  
 7 justice served by excluding the period from March 5, 2007, to May 21, 2007, outweighed the best  
 8 interest of the public and the defendant in a speedy trial. Id. § 3161(h)(A).

9 4. Accordingly, the Court excludes time under the Speedy Trial Act from March 5, 2007, to  
 10 May 21, 2007. See 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

11 IT IS SO ORDERED.

12 DATED: July 17, 2007

MARILYN HALPERN  
 United States District Judge

14 STIPULATED:

15 DATED: July 14, 2007

/S/ Neal Stephens  
 NEAL STEPHENS  
 Attorney for KENT H. ROBERTS

17 DATED: July 14, 2007

/S/ Laurel Beeler  
 LAUREL BEELER  
 TIMOTHY J. LUCEY  
 Assistant United States Attorneys

